

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 MAR 10 AM 11:03

UNITED STATES OF AMERICA,

Magistrate Docket No.

Plaintiff,

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
08 MAR 07 32

v.

COMPLAINT FOR VIOLATION OF:BY CP DEPUTY

Guillermo OLVERA-Escobar,

Title 8, U.S.C., Section 1326

Deported Alien Found in the

United States

Defendant

The undersigned complainant, being duly sworn, states:

On or about **March 7, 2008** within the Southern District of California, defendant, **Guillermo OLVERA-Escobar**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

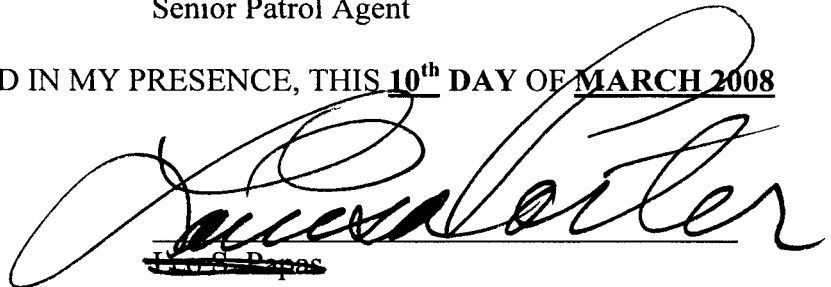
And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

Ismael A. Canto

Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 10th DAY OF MARCH 2008

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Guillermo OLVERA-Escobar**PROBABLE CAUSE STATEMENT**

I declare under the penalty of perjury that the following statement is true and correct:

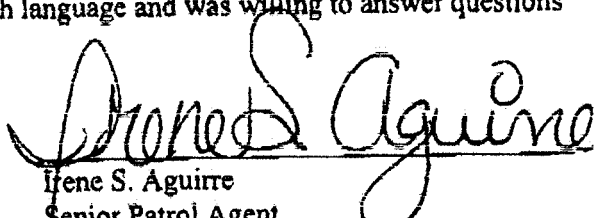
On March 7, 2008 Border Patrol Agent T. Harnish was performing Line watch duties in an area known as the "39 Bowl". This area is approximately 3 miles west of the Port of Entry in San Ysidro, California and approximately 100 yards north of the international border with Mexico. Illegal aliens commonly use this area to further their illegal entry into the United States.

At approximately 1:50 p.m., Agent Harnish responded to a sensor alert in the area. Upon his arrival, Agent Harnish encountered one individual later identified as the defendant **Guillermo OLVERA-Escobar** running north toward him. Agent Harnish identified himself as a Border Patrol Agent and questioned the defendant as to his citizenship and immigration status. The defendant admitted to being a citizen and national of Mexico illegally present in the United States. At 1:55 p.m., Agent Harnish placed the defendant under arrest and transported him to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on November 16, 2007 through San Ysidro, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was read the Miranda rights in the Spanish language and was willing to answer questions without an attorney present.

Executed on March 9, 2008 at 10:00 a.m.


Irene S. Aguirre
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on March 7, 2008, in violation of Title 8, United States Code, Section 1326.


Leo S. Papas
United States Magistrate Judge

3/9/08 - 1251P
Date/Time